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GENERAL ASSEMBLY
Forty-eighth session
Item 79 of the preliminary list*
REVIEW OF THE IMPLEMENTATION
OF THE DECLARATION ON THE
STRENGTHENING OF
INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-eighth year

Letter dated 12 July 1993 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of a letter dated 8 July 1993 from Mr. Alfred Serreqi, Minister for Foreign Affairs of the Republic of Albania, to Mrs. Margaretha af Ugglas, Minister for Foreign Affairs of Sweden and Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe (CSCE) (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 79 of the preliminary list, and of the Security Council.

(Signed) Thanas SHKURTI
Ambassador
Permanent Representative

* A/48/50.

ANNEX

Letter dated 8 July 1993 from the Minister for Foreign Affairs of Albania to the Minister for Foreign Affairs of Sweden and Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe

The deep concern of the Government of my country at the alarming situation created after the refusal by the Belgrade authorities to extend the mandate of the long duration missions of the Conference on Security and Cooperation in Europe (CSCE) to Kosova, Sandjak and Vojvodina is the reason I am addressing this letter to you.

I fully share your opinion that the decision of the Government of Serbia not to extend the Memorandum of Understanding for the CSCE mission is to be deplored. Such a decision creates open possibilities for the escalation of dangerous situations and instability; moreover, it demonstrates once again the lack of good will and the war-mongering aims of the Belgrade authorities.

Our deep concern stems from the course of tragic events and killings, provocative incidents, maltreatment and general isolation of which the Albanian population in Kosova has been a target. In the opinion of my Government, all these acts speak for a deliberate plan against the Albanian population. Thus, the sole international presence in Kosova is being eliminated, which means that the terrorizing Serb policy of ethnic cleansing will no longer have any witnesses.

The absence of preventive missions in Kosova makes imminent the danger for the spill-over of the conflict. It would be in the interest not only of the neighbouring countries but of all of Europe that the vacuum already created by such a decision be avoided, so that the international community can keep under control and prevent the conflict. In this connection, I would like to repeat the request of the Government of Albania that you, in the context of your relations with the Secretary-General of the United Nations, consider the possibility of a United Nations presence in Kosova.

Albania was one of the first countries that asked for such missions to be sent because it was convinced that they have an essential role to play by preventing Serbs from further escalating the ultimate suppression of Albanians there and by restraining uncontrolled Serb violence. It is to be noted with satisfaction that such conclusions were reached in the meetings of the Senior Officials of the CSCE as well as in the meeting of the Council in Stockholm, which unanimously supported the activities of the missions, judging them to be effective in coping with and reporting on the grave situations in the region. Being aware of the effectiveness of these missions, the CSCE has demanded the extension of their mandate and an increase in their number. My Government has evaluated this as a reasonable demand and has not spared its efforts to this end.

The opinion of my Government is that the presence of the CSCE missions in Kosova, Sandjak and Vojvodina must not be considered as a concession that Belgrade is making to the CSCE, but on the contrary, it constitutes assistance

of the international community to overcome the crisis and avoid an unprecedented blood-bath and genocide.

In expressing my gratitude for your personal commitment for finding a solution to this issue, I would like to voice my strong support for the recent message you conveyed to the Belgrade authorities, hoping that it will contribute to the renewal of the missions' mandate.

The continuous aggravation of the situation in Kosova and the recent decision of Belgrade to hinder the extension of the mandate of the missions, create new circumstances which make necessary the maximal and urgent intensification of your efforts in the CSCE and other international forums, generating in this way all the respective mechanisms in order to exert the strongest international pressure on Serbia to change its decision.

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NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Letter dated 9 July 1993 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a study prepared by a group of experts at the request of the Cuban Government (see annex) concerning the economic embargo imposed by the United States of America against Cuba and the efforts of the United States Government to present the nationalization of foreign property in Cuba as a pretext for the embargo, which I feel should be brought to your attention and that of the representatives of Member States.

I would therefore request that this letter and its annex be circulated as a document of the General Assembly under item 30 of the preliminary list.

(Signed) Alcibíades HIDALGO BASULTO
Permanent Representative of Cuba

* A/48/50.

Annex

THE HISTORICAL TRUTH CONCERNING THE ILLEGAL ECONOMIC EMBARGO IMPOSED BY THE UNITED STATES AGAINST CUBA AND THE CUBAN NATIONALIZATIONS

At the plenary meeting of the General Assembly of 24 November 1992, the United States attempted to justify the economic embargo it has maintained for more than 30 years against Cuba on the ground that it is essentially a response to the nationalization of property belonging to United States companies carried out by the Government of the Republic of Cuba 33 years ago (A/47/PV.70, 24 November 1992). This argument did not succeed in sidetracking the General Assembly, which adopted the draft resolution condemning the embargo submitted by the Cuban delegation by an overwhelming vote of 59 for and only 3 against, with 71 abstentions (A/RES/47/19).

The purpose of this study is to make a number of observations concerning the resurrection by the United States of the pretext of the nationalizations so long after the event. Although the purpose of this United States ploy was to confuse the international community as to the origins and nature of the embargo, the argument had the opposite effect, since it exposed clearly the deficiencies of this act of aggression with regard to the requirements of international law and the principles contained in the Charter of the United Nations.

To begin with, mention need only be made of the fact that, in the so-called "Cuban democracy Act of 1992" (Torricelli Act) and on many other occasions, the United States has made it clear that its aims are very different from that of securing compensation for the nationalized property. Indeed, it has explained clearly and unequivocally that it is maintaining and strengthening the embargo in order to enforce Cuba, a sovereign State, to undertake changes in its domestic political and economic system which are to the liking of the United States.

Furthermore, the fact that the United States referred to the pretext of the nationalizations in the above-mentioned General Assembly debate, rather than to the repeatedly stated objective mentioned above, is tantamount to recognition by the United States that its programme of economic coercion and intervention in Cuba is indefensible and illegitimate.

In the second place, the question of the nationalizations cannot in itself explain or justify the measures taken by the United States against Cuba. Although the political and economic system of Cuba - or any other country - is not a matter for negotiation, there is clearly scope for negotiation or agreement on the question of nationalized property. Indeed, Cuba has reached agreements with the countries of origin of the owners of other property nationalized during the early years of the revolution, and has repeatedly indicated its willingness over the past 30 years to open similar discussions with the United States. The United States authorities, on the other hand, have ruled out any possibility of negotiations and have instead waged an economic war against Cuba, the real objective of which is not to secure compensation for legitimately nationalized property, but to overthrow the existing political and economic system in Cuba.

Thirdly, the argument put forward by the United States at the above-mentioned meeting of the General Assembly is clearly a transparent pretext which the United States authorities were seeking to foist on the international community and is also in violation of international law. In numerous resolutions dating back many years the General Assembly has established that any State is entitled to determine whether or not compensation should be provided for nationalized property and, if so, what sum should be paid. In the light of these decisions, which constitute a source of law, the United States is not entitled to take action in reprisal for the Cuban nationalizations, still less to impose an economic, commercial and financial embargo of such a stringent and disproportionate nature. Although it was not obliged to do so under international law, Cuba has offered to provide compensation for the nationalized property in accordance with standard practice, and is still negotiating on this matter.

I

One of the documents before the General Assembly at its meeting of 24 November 1992 was the "Cuban Democracy Act of 1992", which had been passed by the United States Congress and signed into law by the President only one month earlier (Title XVII, Sec. 1701 et seq., 106 STAT.2575). This law considerably expanded the already extensive embargo, inter alia by prohibiting third country companies owned or controlled by United States nationals from trading with Cuba, closing United States ports to third country vessels trading with Cuba, and threatening other kinds of economic reprisals against third countries maintaining commercial relations with Cuba.

Section 1702 of the "Cuban Democracy Act of 1992" contains a detailed statement of the United States objections to the present Government of Cuba, while section 1703 gives an equally detailed exposition of the United States objectives in maintaining and tightening its programme of economic sanctions against Cuba. However, this extensive statement of aims and objectives makes no mention whatsoever of the nationalizations. Instead, the United States affirms that the aim of the embargo is the fundamental transformation of the political and economic system of Cuba and that acceptance by Cuba of these changes is a condition sine qua non for the lifting of the embargo.

Section 1708 (a) specifies the conditions under which the President of the United States may waive the restrictions on trade by third countries with Cuba contained in the "Cuban Democracy Act". Section 1708 (b) specifies the conditions under which the President may completely lift the United States trade embargo. Compensation for the nationalizations is not one of the conditions specified in either of the above-mentioned sections, which refer only to changes in Cuba's domestic political and economic system.

The then President of the United States conceived the "Cuban Democracy Act" as a true expression of United States policy, without any reference to the question of the nationalizations. This is clear, for example, from the Remarks on Signing the Cuban Democracy Act of 1992 (28 Weekly Comp. Pres. Doc. 2071, 23 October 1992). In its testimony to Congress on the Act, the Department of State gave lengthy consideration to United States policy and objectives with regard to Cuba and also failed to make any mention of the nationalizations (statement by Robert S. Gelbard, First Assistant Under-Secretary of State for

Inter-American Affairs, to the Foreign Relations Committee of the House of Representatives, 8 April 1992, reproduced in Krinsky and Golove, eds., United States Economic Measures Against Cuba: Proceedings in the United Nations and International Law Issues, 137-147, Aletheia Press, 1993). It is clear from these official documents that, in the view of the President and the Department of State of the United States, the central aim of United States policy towards Cuba was to put an end to the country's current political and economic system.

Just as the subject of the nationalizations was omitted from the explanations of the causes of the embargo given before the General Assembly debate, so it has also failed to feature in the explanations given by the United States since that time. In March 1993, for example, the United States Secretary of State was obliged to explain why the United States had imposed economic sanctions against Cuba but not against other countries whose political systems and human rights record it considered equally, or even more, objectionable. In his reply, the Secretary of State made no mention of the nationalizations by Cuba of property belonging to the United States, referring only to the fact that Cuba was not moving towards establishing a free-market economy (testimony of the Secretary of State to the Foreign Relations Committee of the House of Representatives, 25 March 1993).

Until recently, the United States refrained from stating quite as bluntly that the purpose of its economic embargo was to force Cuba to abandon its political and economic system. But neither the explanations it formerly offered for the embargo nor the current ones are based on the issue of the nationalizations. Rather, for three decades, the United States has justified its economic measures against Cuba by a combination of references to Cuba's alliance with a hostile Soviet Union, its alleged support for insurgencies in third countries and the presence of its troops abroad exerting an influence in regional conflicts. (See Krinsky and Golove, United States Economic Measures Against Cuba, 158-163.) In fact, only these three reasons, and not the nationalizations, were cited by senior officials of the Department of State, testifying under oath, when they were asked to justify the economic embargo during proceedings before United States courts (Regan v. Wald, 468 U.S. 222 (1984). See also Krinsky and Golove, 159-160).

In their testimony under oath, the officials of the Department of State explained that national security and foreign policy concerns had motivated United States policy towards Cuba since the establishment of the embargo. The President of the United States justified the imposition of a total trade embargo on 3 February 1962 by referring to Cuba's alignment with the Soviet Union and its alleged involvement in aggression against other countries in the hemisphere. ("President Proclaims Embargo on Trade with Cuba", Department of State Bulletin, p. 283 (19 February 1962); Pres. Proc. 3447, 27 Fed. Reg. 1085 (3 February 1962).) A year and a half later, on instituting additional restrictions such as the freezing of Cuban assets, a ban on tourism and the prohibition of trade by foreign subsidiaries, the Secretary of State announced that the purpose of the expanded measures was "to counteract Castro-Cuban subversion in the hemisphere". ("United States Blocks Cuban Assets to Counter Communist Subversion", Department of State Bulletin, p. 160 (29 July 1963).)

Lastly, it must be remembered that the United States claimed that it imposed a total economic embargo against Cuba with the authorization of the

Organization of American States. (See Department of State Bulletin, p. 283 (19 February 1962) and Department of State Bulletin, p. 160 (29 July 1963).) In 1962 and 1964, OAS, acting by virtue of the Inter-American Treaty of Reciprocal Assistance (62 Stat. 1681, TIAR 1838, 21 UNTS 77 (2 September 1947)) ("Treaty of Rio"), had authorized individual and collective sanctions against Cuba in order to confront alleged Cuban "aggression" against third countries in the hemisphere and the threat to security posed by Cuba's relations with the Soviet Union, without any reference whatever to reprisals against Cuba for the nationalization of property belonging to the United States. (Final Act of the Eighth Meeting of Consultation of Ministers of Foreign Affairs on the Application of the Inter-American Treaty of Reciprocal Assistance, OAS/Ser.C/II.9, Doc. 48, Rev.2 1964).) (OAS revoked this authorization in 1975, Final Act of the Sixteenth Meeting of Consultation of Ministers of Foreign Affairs on the Application of the Inter-American Treaty of Reciprocal Assistance, OAS/Ser.F/II.Doc. 9/7 Rev. 2 (29 July 1975)). Cuba now enjoys diplomatic relations with practically every country in the hemisphere, although not with the United States.)

Evidently, therefore, United States recourse to the issue of the nationalizations in its defence of the embargo on 24 November 1992 merely represented a pretext. The question then arises of why the United States, when obliged to defend its embargo before the international community gathered at the United Nations, would resort to a pretext so difficult to sustain.

The answer is obvious. The United States cannot defend the true motives for the embargo before the General Assembly, since it knows that its programme of intervention in the internal affairs of Cuba, so clearly articulated in the Cuban Democracy Act of 1992 and other recent statements, is indefensible in the light of international law, the principles of the Charter and the principles affirmed and reaffirmed by the General Assembly on many occasions. By resorting to such a transparent pretext, the United States was, in practice, accepting that reality.

II

Current and past events demonstrate clearly that the use by the United States of the issue of the nationalizations does not accurately reflect the historical situation. Nevertheless, the question of the nationalizations itself merits proper consideration.

In contrast to its unimpugnable decision concerning its economic and political system, Cuba has always considered that the question of compensation for nationalized property is a suitable matter for negotiation and compromise. Consequently, Cuba has often indicated its willingness to enter into negotiations with the United States on this and other matters, the only condition being that the negotiations should be conducted on the basis of the sovereign equality of States.

Cuba has provided practical evidence of its willingness to settle the disputes caused by the nationalizations, having successfully negotiated agreements with other countries whose nationals suffered losses in that connection. The satisfactory nature of these arrangements is demonstrated by the fact that nationals of these countries, like nationals of many others, are

today making substantial investments in Cuba, together with Cuban partners, in joint ventures and in other types of partnership embracing practically every sector of the Cuban economy, as well as in schemes to promote the expansion of trade.

Moreover the United States has recognized in its relations with other countries that compensation for nationalized property is a suitable and proper matter for negotiation and settlement. Since the Second World War alone the United States has negotiated 10 lump sum agreements in settlement of claims arising from the widespread nationalization of United States-owned property (see, for example, Lillich and Weston, International Claims: Their Settlement By Lump Sum Agreements (1975)). In these settlements the United States has, in fact, demonstrated its readiness to compromise, having accepted an average of somewhat less than 50 per cent of the stated value of the nationalized property, without any provision for interest, notwithstanding that on average more than 20 years elapsed between nationalization and payment.

Accordingly there is no reason whatsoever, either in terms of Cuba's attitude or past practice, to exclude negotiation and settlement. The question then arises of why the United States has not embarked on potentially fruitful negotiations, but has preferred to apply, and, in recent years, to intensify, an economic embargo without precedent. It is absolutely clear and incontrovertible that the aim of the United States in applying and intensifying its economic embargo against Cuba is not to obtain compensation for nationalized properties but to attain quite different objectives.

III

When the United States sought international support in the imposition of its economic embargo against Cuba shortly after the triumph of the Cuban revolution in 1959, it did not base its action on the argument that United States property had been nationalized (see the proceedings of the Organization of American States, narrated in Krinsky and Golove, 301-308). The United States recognized that any attempt to explain the embargo as a response to the nationalizations would simply not be credible, and it also recognized implicitly that the Latin American States and the international community as a whole would not accept such a position under international law. Even the United States Supreme Court itself was obliged to recognize that "there are few if any issues in international law today on which opinion seems to be so divided as the limitations on a State's power to expropriate the property of aliens" (Banco Nacional de Cuba v. Sabbatino, 376 US 398, 428 (1964)).

Events since the nationalizations have further weakened the United States position. The General Assembly and other United Nations organs, in a series of what have become historical resolutions, have confirmed that countries engaged in a process of social transformation, such as that carried out by Cuba in 1959 and 1960 and thereafter, have the right, in accordance with international law, to nationalize foreign property, and that the question of compensation should be subject to the sovereign decision of the nationalizing country. Further, the General Assembly has expressly condemned the use of economic coercion against the nationalizing State as a means of resolving disputes over nationalizations and compensation.

In 1973 the General Assembly adopted its resolution 3171 (XXVIII), in which it:

> "Affirms that the application of the principle of nationalization carried out by States, as an expression of their sovereignty in order to safeguard their natural resources, implies that each State is entitled to determine the amount of possible compensation and the mode of payment, and that any disputes which might arise should be settled in accordance with the national legislation of each State carrying out such measures."

In 1974 the General Assembly adopted without a vote resolution 3201 (S-VI), entitled "Declaration on the Establishment of a New International Economic Order". Paragraph 4 (e) of the resolution provides as follows:

> "Full permanent sovereignty of every State over its natural resources and all economic activities. In order to safeguard these resources, each State is entitled to exercise effective control over them and their exploitation with means suitable to its own situation, including the right to nationalization or transfer of ownership to its nationals, this right being an expression of the full permanent sovereignty of the State. No State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right."

Shortly thereafter the General Assembly, in its resolution 3281 (XXIX), adopted the Charter of Economic Rights and Duties of States. Article 2, paragraph 2 (c), of the Charter reads as follows:

> "2. Each State has the right:
>
> ...
>
> "(c) To nationalize, expropriate or transfer ownership of foreign property, in which case appropriate compensation should be paid by the State adopting such measures, taking into account its relevant laws and regulations and all circumstances that the State considers pertinent. In any case where the question of compensation gives rise to a controversy, it shall be settled under the domestic law of the nationalizing State and by its tribunals, unless it is freely and mutually agreed by all States concerned that other peaceful means be sought on the basis of the sovereign equality of States and in accordance with the principle of free choice of means."

The Second Committee of the General Assembly adopted this clause of the Charter by 104 votes to 16, with 6 abstentions, and rejected an amendment submitted by the United States and other countries which would have replaced the text of paragraph 2 (c) by a clause providing that "each State has the right ... to nationalize, expropriate or requisition foreign property for a public purpose, provided that just compensation in the light of all relevant circumstances shall be paid" (14. Int'l Legal Materials 262 (1975)).

With these resolutions the General Assembly supported the position long maintained by the Latin American States. In a historic exchange, the Minister

for Foreign Affairs of Mexico wrote to the Secretary of State of the United States in 1938, stating that:

> "My Government maintains ... that there is in international law no rule universally accepted in theory nor carried out in practice, which makes obligatory the payment of immediate compensation nor even of deferred compensation, for expropriations of a general and impersonal character like those which Mexico has carried out for the purpose of redistribution of the land." ([1938] 5 For. Rel. U.S. 679-702.)

The views and practice of States are consistent with these General Assembly resolutions. Many States in Asia, Africa, Latin America and Eastern Europe have carried out extensive nationalizations of property belonging to foreigners without acknowledging the existence of any requirement under international law relating to the payment of compensation. Frequently, but not always, nationalizing States have agreed to pay some fraction of the value of the property nationalized years after the event pursuant to freely concluded international settlements. (See passim Lillich and Weston, International Claims: Their Settlement by Lump Sum Agreements (1975).) As Judge Baxter wrote, "The practice of States with respect to compensation for nationalized property is so diverse that one cannot speak of any international custom, as evidence of a general practice accepted in law, as these Statutes (of the International Court of Justice, Article 38, para. 2) refer to customary international law" (Baxter, RR., in Lillich, ed., Vol. II, The Valuation of Nationalized Property in International Law ix (1973).)

The resolutions of the General Assembly give equal weight to the legitimate aspirations and historical circumstances of many members of the international community. As the Mexican Minister wrote in 1938:

> "The political, social and economic stability, and the peace of Mexico, depend on the land being placed anew in the hands of the country people who work it; a transformation of the country, that is to say, the future of the nation, could not be halted by the impossibility of paying immediately the value of the properties belonging to a small number of foreigners who seek only a lucrative end."

Foreign Relations of the United States, vol. 5, p. 679.

Generally speaking, these remarks can be viewed as applicable to Cuba in the early years of the revolution. As it had done with Mexico in 1938, the United States demanded of Cuba the payment of "prompt, adequate and effective compensation" - in other words, prompt payment of the total value of all nationalized property plus interest (Diplomatic note No. 397, 16 July 1960, reproduced in the Department of State bulletin, p. 171, 1 August 1960). Cuba's right to nationalize foreign property would have been rendered meaningless if the prerequisite for the exercise of that right had been the prompt payment of $1.8 million plus interest, the value of the nationalized property as declared by the United States in 1960.

The General Assembly has not only affirmed the right of countries to carry out nationalization programmes and decide questions relating to compensation, but has also specifically condemned the use of economic embargoes and other forms of economic coercion to settle any resulting dispute. In its resolution 3201 (S-VI), paragraph 4 (e), the Assembly unequivocally stated: "no State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right".

Since that time, the General Assembly has reaffirmed in no less than seven resolutions the unacceptability of the application by developed countries of economic blockades and embargoes to coerce developing countries in connection with sovereign decisions of particular importance to them, such as those taken pursuant to their right to determine questions relating to compensation. The Assembly has condemned such measures as violations of the Charter of the United Nations and the Charter of Economic Rights and Duties of States, and has called upon developed countries to refrain from making use of "their predominant position in the international economy" for such coercive purposes. Yet this is precisely what the United States, in its statement of 24 November 1992, has blatantly claimed that it is doing.

Accordingly, in seeking to use the nationalizations to justify its massive economic embargo, the United States has not only used a false pretext but has once again displayed its indifference to the fundamental norms of international law and its disregard for the opinions and views of the international community as expressed by the General Assembly.

IV

A closer examination of the nationalizations carried out by Cuba in 1960 further illustrates why the United States reference to the nationalizations is unacceptable not only as a pretext for justifying the embargo but in the context of historical truth.

In the first place, the fundamental act of nationalization was actually a response to United States economic aggression against Cuba. The Cuban revolution triumphed in 1959; immediately thereafter a fundamental transformation of Cuban society was begun which was not to the liking of the United States. In July 1960, the President of the United States threatened to force Cuba out of the United States sugar market, which had long been Cuba's principal source of foreign currency and the mainstay of its economy. Calling the elimination of the sugar quota "an act of aggression, for political ends, against the basic interests of the Cuban economy", Cuba's Act No. 851 of 1960 authorized the nationalization of the major corporate interests of the United States in the event that the President of that country made good on his threat. When the President did so, Cuba responded by nationalizing the major corporate interests of the United States. United States courts have recognized that the elimination of Cuba's sugar quota was indeed the "basic reason" for the nationalizations (Banco Nacional de Cuba v. Sabbatino, 307 F.2d 845, 865 (2d Cir., 1962), rev'd on other grounds, 376 U.S. 398 (1964)).

At the time, the United States publicly sought to defend the elimination of Cuba's sugar quota by saying that it was simply an economic measure designed to prevent the United States sugar supply from being dependent on a potentially

unreliable source. However, even the United States courts felt compelled to acknowledge that this explanation was nothing more than a pretext. (Banco Nacional de Cuba v. Sabbatino, 193 F. Supp. 375, 384 (SDNY 1961), aff'd 307, F.2d 845 (2d Cir., 1962), rev'd on other grounds, 376 U.S. 398 (1964)).

Secondly, while not required to do so under international law, Cuba in fact offered compensation for nationalized properties under terms that were fully consistent with international practices.

Act No. 851 of 1960 provided for compensation for the total estimated value of nationalized properties in the form of 30-year Cuban Government bonds, meaning that the total payment would be completed in 1990. The rate of amortization of the principal has to be determined at a later date. The Nationalization Act sought to ensure the discharge of the obligation to pay the face value of the bonds on schedule by means of an amortization fund, which has to be established in the event of a resumption of sugar sales by Cuba to the United States.

The aforementioned Act provided for an interest rate of not less than 2 per cent per annum. Unlike principal payments, interest payments were contingent on the generation of funds from a resumption of sugar sales to the United States.

The United States rejected the nationalizations, which it described as illegal, and the compensation, which it considered inadequate (Diplomatic note No. 397 of 16 July 1960, reproduced in the Department of State Bulletin, p. 171, 1 August 1960). However, it is not generally agreed that international law requires the payment of compensation, much less "prompt, adequate and effective compensation" - in other words, the payment of the total value of the property in question soon after its acquisition, plus interest, as the United States demanded. The position taken by the United States was referred to as the "Hull Doctrine", by analogy with the 1938 communication from Secretary of State Hull to the Mexican Government, which was rejected by that Government in the same year and has not accepted as customary international law, as State practice has since shown. The "Hull Doctrine" runs totally counter to the will of the General Assembly as expressed in the aforementioned resolutions.

Furthermore, the compensation offered by Act No. 851 was fully consistent with international practice. A study of 139 bilateral lump sum agreements concluded since the Second World War and involving 37 countries, shows that, with few exceptions, only a small portion of the total value of the nationalized property was paid; that on average a period of 20 years elapsed between the nationalization and the payment; and that, with only one exception, no interest was paid (Lillich and Weston, International Claims: Their Settlement by Lump Sum Agreements, 210, 239). Even the 10 lump sum agreements concluded by the United States fall completely within these parameters: as a rule, the compensation has ranged between 40 and 60 per cent of the value as estimated by the United States; the time elapsing between the nationalization and the payment was on average 20 years, and in some cases 30 years; and, except in one case, no interest was paid, although a substantial period of time elapsed before the payment was made.

Act No. 851 did not make the resumption of sugar exports to the United States a condition for payment of the value of the nationalized property; it established such a condition only in connection with Cuba's almost unprecedented willingness to pay interest. Nevertheless, such conditionality would have been acceptable in the light of international practice. The conclusion of agreements that constitute the "principal source of foreign exchange to meet compensation payments" is a "common" element in the settlement of disputes relating to nationalizations and is frequently the sine qua non of settlement (Lillich and Weston, International Claims: Their Settlement by Lump Sum Agreements, 233-234; see also Foighel, Nationalization and Compensation, 115 (1964)). In addition, "provisions in Settlement Agreements specifying that the compensation to be paid by the respondent State shall come from its earnings from the export of goods to the claimant State, also are common". Agreements of this type often provide that a percentage of export earnings, or a percentage of such earnings in excess of a fixed sum, should be earmarked for that purpose (Lillich and Weston, 234-235). Linking compensation to the resumption of sugar exports to the United States would have been perfectly appropriate in the case of Cuba, taking into account, of course, the fact that such exports were, to a large extent, the main source of foreign income, and that the elimination of the Cuban sugar quota by the United States led to the nationalizations.

Thirdly, the total economic embargo maintained by the United States for more than 30 years, with the resulting harm to the health and well-being of the Cuban people, is completely disproportionate to any prejudice which the nationalizations might have caused to United States interests. In a 1992 statement, the Department of State made it clear that the United States was seeking nothing less than the "economic collapse of Cuba" (statement by Robert S. Gelbard before the Subcommittee for Western Hemisphere and Peace Corps Affairs of the Senate Foreign Relations Committee, 5 August 1992). With this extreme goal, the United States has for three decades been waging a ferocious world-wide economic warfare campaign against Cuba.

When recent events in the former socialist countries put an end to the type of trade relations that Cuba had built up over three decades with the aim, among other things, of facing up to the United States economic embargo, the United States Government prepared to intensify its efforts even further. It raised the embargo to unprecedented levels and, more than 30 years after the 1960 nationalizations, it prohibited foreign subsidiaries of United States corporations from trading with Cuba, despite the fact that most of that trade consisted of food and medicines. It closed United States ports to third country vessels trading with Cuba. It strengthened even further the already extreme measures prohibiting any person subject to the broad jurisdiction which the United States has arrogated to itself from concluding any type of financial, commercial or property transaction with Cuban nationals, and even went so far as to reduce by some 40 per cent the amount of family assistance that people in the United States may send to their relatives in Cuba. The United States has resorted to illegal measures in order to threaten and pressure third country firms with a view to preventing them from establishing trade and investment relations with Cuba. (For a description of these and other similar efforts by the United States to intensify the embargo in the period 1988-1992, see Krinsky and Golove, United States Economic Measures Against Cuba, 97-107, 120-127, 147-169.)

The inevitable result, as was intended by the United States, has been privation and suffering for the Cuban people. Cuba, a third world country, now lacks adequate food supplies for the first time since the triumph of the revolution. Cuba, a third world country which has been successful in its efforts to offer total health care to all its people and has built up one of the most complete and modern medical care systems in the world, is now facing a lack of adequate supplies of medicines and medical instruments for the first time since the triumph of the revolution. Cuba, a third world country which has eradicated illiteracy and guaranteed a high level of education to all its people, is now, for the first time since the triumph of the revolution, facing difficulties in providing adequate supplies of basic educational materials such as books and pencils for its children. The resolute decision of the Cuban people to preserve their revolution in the face of such aggression is unalterable, but their privations are real and tangible. More than ever, the United States economic embargo constitutes a war against the health and well-being of the Cuban people.

It is, of course, obviously absurd to imagine that the United States would be involved in an economic war of such intensity, scope and consequences, so long after the event, simply to obtain compensation for the property nationalized 33 years ago. The actions of the United States are so disproportionate to the alleged reason for them that such a suggestion lacks all credibility. Similarly, this obvious disproportion would constitute a further violation of international law, even if the actions were taken in response to the nationalizations and even if those nationalizations themselves constituted a violation of international law, which is not the case. Unilateral countermeasures may not be disproportionate to the violation or the harm suffered. (See, for example, Special Rapporteur Riphagen, fifth report on the content, forms and degrees of international responsibility, Yearbook of the International Law Commission, 1984, vol. II (Part One) (A/CN.4/SER.A/1984/Add.1 (Part I)) and second report, Yearbook of the International Law Commission, 1981, vol. II (Part One) (A/CN.4/SER.A/1981/Add.1 (Part I)); Oppenheim, International Law, 141 (seventh edition, H. Lauterpacht, 1952); J. Starke, Introduction to International Law, 494-496 (ninth edition, 1984).)

There is no practice in interrelations between States nor any opinion which supports the application by a State of countermeasures of such duration and consequences with the aim of obtaining compensation for the nationalization of the property of its nationals or for any other comparable type of economic harm. Furthermore, it should be remembered that the loss of property, although substantial, in no way threatened the well-being of the United States or caused its people to suffer from any shortages.

In fact, the nationalizations did not even cause severe harm to United States business interests. The United States asserts that the losses suffered by its nationals amount to some $1,800 million. Of this amount, a mere 10 corporations account for $1,021 million, that is, 56 per cent of the losses claimed, and 38 corporations for $1,400 million, that is, 76 per cent of the said losses. Corporate interests as a whole account for $1,556 million, that is, 86 per cent of the losses claimed. Furthermore, the United States assertions relating to the value of the nationalized properties are grossly exaggerated; even the United States courts, when given the opportunity to

determine the value of the nationalized properties, concluded that the United States valuation was more than 25 per cent too high (compare Banco Nacional de Cuba v. Chase Manhattan Bank, 658 F.2d 875 (2nd Cir. 1981) with Foreign Claims Settlement Commission of the United States, In the Matter of the Claim of Chase Manhattan Bank, decision No. CU 6296).

In addition to the proportionality requirement, countermeasures are necessary, and can be taken only when the possibility of negotiations aimed at resolving the matter at issue has been rejected. This is recognized by the United States authorities on international law, in accordance with general international opinion (American Law Institute, Restatement, Third, The Foreign Relations Law of the United States, section 905 (1987)). Nevertheless, the United States has shown no sign either now or in the past, that it is prepared to hold negotiations on the nationalization dispute, but has, on the contrary, refused to respond to the repeated proposals for such negotiations made by Cuba, as well as by other States, on the basis of the principle of the sovereign security of States. Consequently, the nationalizations cannot be used to justify the embargo against Cuba.

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Item 116 of the preliminary list*

THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA

Letter dated 9 July 1993 from the Permanent Representative of Estonia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 9 July 1993, from the Prime Minister of the Republic of Estonia, Mart Laar, addressed to you (see annex I), together with the text of the Law on Aliens, adopted by the Parliament of Estonia on 8 July 1993 (see annex II).

I would appreciate it if you would have the text of the present letter and its annexes circulated as an official document of the General Assembly under item 116 of the preliminary list.

(Signed) Ernst JAAKSON
Ambassador
Permanent Representative of
the Republic of Estonia

* A/48/50.

ANNEX I

Letter dated 9 July 1993 from the Prime Minister of Estonia to the Secretary-General

Estonia, having regained its independence, is restoring its legal system in order to provide the necessary legal framework for the functioning of the State structures and for strengthening the democratic processes.

A new Estonian Constitution was adopted in June 1992. After decades of occupations, the first free elections were held according to provisions of the new Constitution. The world has changed during the last half of the century, and therefore it is not sufficient to re-enforce laws that were enacted prior to 1940. Many new laws have to be adopted that correspond to the requirements of today. One of those laws is the Law on Aliens, patterned on analogous laws in most other States, which was adopted by the Parliament of Estonia on 21 June 1993 and amended on 8 July 1993, following recommendations by the Conference on Security and Cooperation in Europe (CSCE) and the Council of Europe.

The purpose of this law is to legalize the status of aliens residing in Estonia by providing legal and social guarantees for normal and full participation in the society. Systematic policies affecting population transfers during the 51 years of occupation have changed the demographic situation in Estonia. Now, 40 per cent of the people residing in Estonia are citizens of the former Union of Soviet Socialist Republics. Accepting the existing facts, the Estonian Government has chosen a realistic approach for solving the problem and is doing its best to ease their integration into Estonian society. The Government of Estonia believes that, as a precondition for integration, it is important that these people themselves decide whether to opt for Estonian citizenship or for the citizenship of some other State. As to the Estonian Citizenship Law, it has been judged by experts to be one of the most liberal in its requirements. This law provides for naturalization of aliens upon application after completing a two-year residency requirement, followed by a one-year waiting period, and demonstration of knowledge of the Estonian language.

Laws are made to meet present as well as future needs. The Law on Aliens is meant to establish the rights and obligations of all aliens already living in Estonia as well as those who will arrive in the future. Since the Government of Estonia is convinced that the status of all aliens already living in Estonia must be settled under favourable grounds, the Government has adopted supplemental orders that spell out and clarify these grounds. It means that aliens already living in Estonia are guaranteed residence permits and that they have two years to decide whether they want to apply for one.

It is noteworthy that the right to vote in the forthcoming local elections is granted to those aliens who have residence permits. Also, the Constitution of Estonia guarantees aliens the same human rights as its own citizens.

As a former member of the League of Nations and present Member of the United Nations, Estonia wishes to coexist peacefully with all its neighbours. The Government of Estonia invites all Members of the United Nations to acquaint themselves with the Estonian legislation giving basis for further integration of aliens into Estonian society.

ANNEX II

Law on Aliens, adopted by the Parliament of Estonia on 8 July 1993

Proceeding from the rights and liberties arising from the Republic of Estonia Constitution,

considering that universally recognised principles and norms of international law are an inseparable part of the Estonian legal system,

based on the need to provide aliens residing in Estonia with an internationally recognised status and to determine the duties of aliens,

desirous of creating a sense of security, through law, for aliens both temporarily and permanently residing in Estonia, the following Law has been adopted.

Chapter I

GENERAL PROVISIONS

Article 1. Sphere of Regulation

This Law shall regulate the entry of aliens into Estonia, the sojourn, residence and employment of aliens in Estonia and the bases for the legal liability of aliens.

Article 2. Authorised Authorities

The legal procedures stipulated in this Law shall be carried out by state authorities authorised by the Government of the Republic.

Article 3. Alien

(1) For the purposes of this Law, an alien shall be any person who is a citizen of a foreign state or who has been recognised as a stateless person.

(2) The regulations for the sojourn of refugees in Estonia shall be established by a separate law.

Article 4. Permanent Resident

(1) A permanent resident shall be any Estonian citizen residing in Estonia or any alien residing in Estonia, who is in possession of a permanent residence permit.

(2) The definition of a permanent resident for the purposes of this Law shall not extend to legal acts which were adopted prior to the entering into force of this Law.

Article 5. Rights and Duties of Aliens

(1) Aliens in Estonia shall be guaranteed rights and liberties equal to those of Estonian citizens, if not otherwise established in the Constitution, this Law, other laws or Estonia's international treaties.

(2) Aliens shall be guaranteed all rights and liberties arising from the universally recognised norms of international law and international practice.

(3) Aliens in Estonia shall be obligated to respect Estonia's constitutional system and to observe Estonia's legal acts.

Chapter II

IMMIGRATION QUOTA

Article 6. Immigration Quota

(1) The annual immigration quota shall be the immigration quota for aliens into Estonia, which may not exceed 0.1% of the permanent population of Estonia. The immigration quota shall be established by the Government of the Republic, taking into consideration the recommendations of the local government. The Government of the Republic, in individual cases, may exceed the current immigration quota for a specific person, at the expense of the subsequent year's immigration quota.

(2) Every Estonian shall have the right to settle in Estonia outside of the immigration quota.

Chapter III

PASSPORT REQUIREMENTS

Article 7. Identity Documents for Aliens

All aliens entering and sojourning in Estonia must be in possession of a valid passport or other equivalent document. The alien's valid passport or other equivalent document must prove his or her right to sojourn in Estonia.

Article 8. Alien's Passport

(1) An alien's passport may be issued to any alien who is not in possession of a passport or other equivalent document, in accordance with procedures established by the Government of the Republic.

(2) An alien's passport may be issued to any alien sojourning in Estonia, who has the right to a residence permit in Estonia. The validity of the alien's passport must not exceed the validity of the residence permit. Alien's passports shall be valid for a period of up to five years.

(3) The application for an alien's passport shall be made at the same time as the application for a permanent residence permit.

(4) Every alien who does not have the possibility to obtain the passport or other equivalent document of his or her country of origin or of any other state shall have the right to obtain an alien's passport. The standard and conditions and procedures of issue of the alien's passport shall be established by the Government of the Republic.

Chapter IV

VISAS, RESIDENCE PERMITS AND EMPLOYMENT PERMITS

Article 9. General Bases

(1) Aliens shall enter and shall lawfully sojourn in Estonia on the basis of a visa or a residence permit, if not otherwise established in Estonia's international treaties. Aliens shall require an employment permit to work in Estonia.

(2) Aliens shall apply for visas, residence permits and employment permits from Estonia's foreign missions. Exceptions may be made by the Government of the Republic.

(3) Every alien sojourning in Estonia may apply for the extension of a visa, residence permit or employment permit, in accordance with procedures established by the Government of the Republic.

(4) Aliens shall be obligated to exit Estonia upon the expiry or voidance of the visa or residence permit.

(5) Every alien who is lawfully sojourning in Estonia shall have the right to challenge any decision to refuse to extend or to prematurely terminate his or her residence permit or employment permit, as well as any decision for his or her expulsion, in a court of law.

Article 10. Visas

The categories of visas and procedures for issue shall be established by the Government of the Republic. The Government of the Republic shall equally be responsible for the conclusion of treaties on visa-free travel.

Article 11. Residence Permits

Residence permits shall be:
1) temporary, which shall be issued for a period of up to five years;
2) permanent.

Article 12. Bases for the Issue of Residence Permits

(1) A temporary residence permit may be issued to any alien:
1) for employment under an employment contract together with an employment permit;
2) for study in an educational institution, on the application of the educational institution;
3) to settle in Estonia at the residence of an immediate family member;
4) whose lawful income is sufficient to support himself or herself, whereby the following shall be considered as lawful income: income obtained through lawful employment, income obtained through lawful business activities or lawfully owned property, pensions, stipends, support payments, state support payments, including unemployment benefit payments and child support payments, and the guaranteed support of a family member with lawful income in Estonia.

(2) Any alien who is married to a permanent resident of Estonia may be issued a temporary residence permit, which, during the first three years shall be extended annually for each subsequent year, if the marriage is not divorced.

(3) A permanent residence permit may be issued to any alien who has resided in Estonia on the basis of a temporary residence permit for no less than three years during the previous five years, and who has a place of residence and employment or other lawful income sufficient to support himself or herself.

(4) A residence permit shall not be issued to an alien:
1) who has provided false information on an application for a visa, residence permit or employment permit;
2) who does not respect the constitutional system and does not observe the laws of Estonia;
3) whose actions have been directed against the Estonian state and its security;
4) who has committed a criminal offense, for which he or she has been sentenced to imprisonment for a period exceeding one year and who is not considered as rehabilitated with a spent conviction;
5) who is employed or has been employed by the intelligence or security service of a foreign state;
6) who is in the active service of the armed forces of a foreign state, nor to his or her family members;
7) who has served in a career position in the armed forces of a foreign state or has entered the reserve forces or has retired from a career position in the armed forces of a foreign state, nor to his or her family members, who have entered Estonia in conjunction with the service or retirement of a member of such armed forces.

(5) Exceptions may be made for aliens listed in paragraph 4 of this Article, in accordance with procedures established by the Government of the Republic.

Article 13. Employment Permits

(1) An employment permit may be issued to any alien for employment with a specific employer, on the application of the employer, for a period of up to five years.

(2) If a residence permit is issued in conjunction with an employment contract, premature termination of the employment contract with the specific employer shall bring about the voidance of the employment permit and, after three months, of the residence permit.

(3) If the alien has no lawful means of support, the residence permit shall be voided at the same time as the employment permit.

(4) An alien who is in possession of a permanent residence permit shall not require an employment permit.

Article 14. Expiry and Voidance of Residence Permits and Employment Permits

(1) Residence permits and employment permits shall expire on the date of expiry.

(2) A residence permit and employment permit may be voided, if the alien:
1) has provided false information on an application for a visa, residence permit or employment permit;
2) does not respect the constitutional system and does not observe the laws of Estonia;
3) with his or her actions threatens the Estonian state and its security;
4) has committed a criminal offense, for which he or she has been sentenced to imprisonment for a term exceeding one year;
5) enters the service of the armed forces of a foreign state or of the intelligence or security service of a foreign state, or participates in an armed formation or in the activities of an armed formation on the territory of a foreign state, or participates in an unlawful armed formation or its activities in Estonia.

Chapter V

NOTIFICATION AND LEGAL LIABILITY

Article 15. Notification

(1) Every alien shall be obligated to inform state authorities authorised by the Government of the Republic of any of the following circumstances, which serves as a basis for his or her residence permit:
1) a change in his or her permanent residence;
2) premature termination of his or her employment contract;
3) a change to his or her marital status;
4) expulsion from an educational institution or termination of studies.

(2) The following shall be obligated to inform state authorities authorised by the Government of the Republic of the following circumstances regarding an alien:
1) the employer: of the premature termination of the employment contract;
2) the educational institution: of the expulsion of the student, of the completion or termination of studies;
3) legal authorities: of any violation of law within its authority;
4) the courts: of any criminal offense, for which the alien has been sentenced to imprisonment for a period exceeding one year;

5) registry of marital status: of any change to marital status.

Article 16. Legal Liability

(1) Any alien, whose visa or residence permit has expired or has been voided, shall be issued an order to exit Estonia by a state authority authorised by the Government of the Republic.

If the order is not fulfilled, the alien shall be expelled from Estonia.

(2) The order to exit Estonia or the order for expulsion from Estonia may bring about a temporary or permanent ban from entering Estonia.

(3) Any alien who has unlawfully entered or is unlawfully sojourning in Estonia shall be expelled from Estonia.

(4) Any order to exit Estonia or any decision regarding expulsion from Estonia may be challenged in a court of law.

Chapter VI

FINAL PROVISIONS

Article 17. Personal Code

Every alien, whose residence permit is valid for a period exceeding one year, shall be issued a personal code by a state authority authorised by the Government of the Republic.

Article 18. Employees of Foreign Missions

The sojourn of employees of foreign diplomatic missions and consular posts and of their family members shall be regulated by international treaties and other acts of international law.

Article 19. Residence Permits and Employment Permits Issued Prior to the Entering Into Force of This Law

(1) Residence permits and employment permits, which were issued prior to the entering into force of this Law and which are entered in an internal passport of the former Union of Soviet Socialist Republics, shall be valid up to the date of expiry indicated on the permit, however for not more than two years after this Law enters into force.

(2) Residence permits and employment permits with a date of expiry exceeding two years after the entering into force of this Law, and which are entered in an internal passport of the former Union of Soviet Socialist Republics, shall be transferred into a travel passport or an alien's passport.

Article 20. Legal Guarantees for Persons Who Settled in Estonia Prior to July 1, 1990.

(1) All aliens who settled in Estonia prior to July 1, 1990, and who continue to sojourn in Estonia on the basis of permanent registration in the former Estonian SSR shall sustain all rights and duties established in existing legal acts of the Republic of Estonia.

(2) All aliens who settled in Estonia prior to July 1, 1990 and who continue to sojourn in Estonia on the basis of permanent registration in the former Estonian SSR shall be guaranteed the issue of a residence permit and employment permit, if the alien's legal status meets the requirements established in this Law.

(3) All aliens who settled in Estonia prior to July 1, 1990 and who continue to sojourn in Estonia on the basis of permanent registration in the former Estonian SSR shall have the right to challenge any decision to refuse to issue or to extend a residence permit or employment permit in a court of law.

Article 21. Applications for Residence Permits and Employment Permits for Aliens Who Settled in Estonia Prior to July 1, 1990

(1) All aliens who settled in Estonia prior to July 1, 1990 and who continue to sojourn in Estonia, who have permanent registration in the former Estonian SSR, but who lack a residence permit and employment permit for lawful sojourn in Estonia, shall be obligated to file an application for such permits in accordance with procedures established by the Government of the Republic, within one year from the entering into force of this Law.

(2) If an alien who settled in Estonia prior to July 1, 1990 and who continues to sojourn in Estonia with the internal passport of the former Union of Soviet Socialist Republics does not have a travel passport or alien's passport, the residence permit and employment permit, valid for no more than two years from the entering into force of this Law, shall be entered in an internal passport of the former Union of Soviet Socialist Republics, into which a remark shall be entered by an authority of the respective state regarding the current citizenship of the alien, or a remark shall be entered by an Estonian authority that a decision has been made to issue an alien's passport to the alien.

(3) An alien who settled in Estonia prior to July 1, 1990 and who continues to reside in Estonia shall sojourn in Estonia on the basis of permanent registration in the former Estonian SSR until such time as he or she receives a residence permit, however for not longer than two years from the entering into force of this Law.

(4) If an alien, who settled in Estonia prior to July 1, 1990 and who continues to sojourn in Estonia on the basis of registration in the former Estonian SSR, has completed an application for Estonian citizenship and has presented a language examination certificate, within one year from the entering into force of this Law, he or she shall be issued a temporary residence permit until such time as a decision whether to grant citizenship is adopted.

(5) If an alien who applies for citizenship is refused citizenship, the question of his or her lawful sojourn in Estonia, in accordance with this Law, shall be resolved in accordance with procedures established by the Government of the Republic.

(6) All aliens sojourning in Estonia with permanent registration in the former Estonian SSR may apply for a residence permit and employment permit with the state authority authorised by the Government of the Republic outside of the immigration quota.

(7) Any alien stipulated in paragraph 6 of the present Article, who by the prescribed due date has not applied for a residence permit, shall be issued an order to exit Estonia once two years have passed from the entering into force of this Law.

(8) Any alien stipulated in paragraph 6 of the present Article, who within one year from the entering into force of this Law has not applied for an employment permit, shall lose the right to work in Estonia once two years have passed from the entering into force of this Law.

Article 22. Obligation of Local Governments in the Processing of Residence Permits

The local government shall be obligated to monitor that the residence permits of aliens sojourning on the territory of the local government are processed within two years from the entering into force of this Law. If this is not the case, the local government shall be obligated to inform the authorised state authority.

Article 23. Obligation of the Employer in the Processing of Employment Permits

The employer shall be obligated to monitor that the employment permit of every alien in his or her employ is processed within two years from the entering into force of this Law. If this is not the case, the employer shall be obligated to dismiss the alien, whereby the authorised state authority shall be informed.

Article 24. Amendments to Existing Laws

As of the entering into force of this Law:
1) in the title and paragraph 4 of Article 171 of the Code of Administrative Offenses (RT 1992, 29, 396; 1993, 7, 103; RT I 1993, 33, 539), the words "Immigration Law" shall be substituted with the worlds "Law on Aliens", and in paragraphs 1, 2, and 3 of Article 171, the words "work permit" shall be substituted with the words "employment permit", in the corresponding grammatical case.
2) in paragraph 4 of Article 15 of the "Law on Churches and Congregations" (RT I 1993, 30, 510), the words "Republic of Estonia Immigration Law" (RT 1990, 2, 25) shall be substituted with the words "Law on Aliens";
3) the Republic of Estonia Immigration Law of June 26, 1990 (RT 1990, 2, 25) shall be null and void.

Article 25. Entering into Force of this Law

This Law shall enter into force as of the day of its publication in the *Riigi Teataja*.

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Forty-eighth session
item 71 of the preliminary list*

GENERAL AND COMPLETE DISARMAMENT

Letter dated 12 July 1993 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter dated 14 June 1993 which the 43rd Pugwash Conference has addressed to the President of the United States of America, Mr. William Clinton (see annex).

In view of this document's relevance to the work of the General Assembly, I should be grateful if the text of this letter and its annex could be circulated as an official General Assembly document under item 71 of the preliminary list.

(Signed) Manuel TELLO
Permanent Representative of Mexico

* A/48/50.

ANNEX

Letter dated 14 June 1993 from the members of the Pugwash Council attending the 43rd Pugwash Conference addressed to the President of the United States of America

We are writing, as all of the members of the Pugwash Council attending this year's Pugwash Conference, to urge you to extend the current moratorium of the United States of America on nuclear explosive tests and to reject the arguments for additional testing before conclusion of a Comprehensive Test Ban Treaty (CTBT).

We applaud your commitment to the achievement of a CTBT and the embodiment of that goal in the Hatfield-Exon-Mitchell Amendment to the 1993 Energy and Water Development Appropriation Act. We believe that a resumption of United States testing would delay - and might well completely undermine - the attainment of this critical objective. Both the delay in progress towards a CTBT and the perverse signals sent by the testing itself, moreover, would surely impair, perhaps fatally, the prospects for a positive outcome of the extension Conference scheduled for 1995 of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The resulting damage to the most vital security interests of the United States and the world cannot possibly be compensated for by the minuscule benefits ascribed to a resumption of testing by its proponents.

Let us be more specific. A resumption of United States testing, no matter how brief its duration or how narrow its stated purposes, would lead to:

(a) A resumption of testing by Russia, a strengthening of the position of hardliners in Russia and the creation of a further impediment to favourable resolution of the precarious nuclear-weapons status of Ukraine;

(b) A resumption of testing by France and a strengthening of the position of those in France who would like to block attainment of a CTBT altogether;

(c) Assured continuation of testing by China, quite possibly extending beyond 1996.

These outcomes would weaken support for and complicate the negotiation of a CTBT; would squander any leadership and influence the United States and the other declared nuclear-weapon States might otherwise hope to exert in the NPT extension Conference; and would strengthen pro-bomb factions in nuclear-threshold States, at best reducing the chance of engaging these States in the NPT and CTBT regimes and at worst propelling them towards nuclear tests of their own.

The "benefits" being offered in exchange for these appalling consequences are said to be such improvements in the reliability, safety and performance of the warheads of the United States and United Kingdom of Great Britain and Northern Ireland as might be accomplished with the addition of 15 (or fewer) further tests beyond the thousand such explosions that these two countries have already conducted. But what reliability problems in a United States nuclear

arsenal numbering several thousands of warheads of well-tested types could imperil the credibility of the deterrent function this arsenal is said to serve (or, if they existed, could be resolved by just a handful of tests)? How much additional safety could a few more tests buy, after nearly 50 years of prior learning about how to make these devices safe? And if, as some have suggested, the perfection of a "new" warhead is on the testing agenda, what need for such a thing can the United States or the United Kingdom plausibly assert in the post-cold-war world, and what are likely to be the consequences, for proliferation incentives, of asserting it?

We find it difficult to believe, Mr. President, that hidden in the classified details are rationales to persuade an objective analyst that these outwardly meagre benefits of a few tests are really large enough to offset the huge costs and risks that resuming testing would entail. It seems more probable that the proponents of such a resumption are hoping for just what you and we would wish to prevent - namely, that a few more tests will lead to a great many more, by pushing a CTBT once more out of reach. Please do not allow that to happen.

Professor Joseph Rotblat (United Kingdom), President of Pugwash

Professor Francesco Calogero (Italy), Secretary-General of Pugwash

Professor John P. Holdren (United States), Chairman of the Pugwash Executive Committee

Professor Maciej Nalecz (Poland), Chairman of the Pugwash Council

Professor Ogunlade Davidson (Sierra Leone), Member of the Executive Committee

Dr. Virginia Gamba (Argentina), Member of the Executive Committee

Academician Vitalii I. Goldanskii (Russia), Member of the Executive Committee

Dr. Venance Journé (France), Member of the Executive Committee

Dr. Martin M. Kaplan (Switzerland), Member of the Executive Committee

Professor Bhalchandra M. Udgaonkar (India), Member of the Executive Committee

Professor Gothom Arya (Thailand), Member of the Council

Professor Gabriel Baramki (West Bank), Member of the Council

Professor Anna Maria Cetto (Mexico), Member of the Council

Professor Ubiratan D'Ambrosio (Brazil), Member of the Council

Professor Hans-Peter Duerr (Germany), Member of the Council

General Emmanuel Erskine (Ghana), Member of the Council

Professor Esmat Ezz (Egypt), Member of the Council

Professor Serguei Kapitza (Russia), Member of the Council

Professor Martin M. Kaplan (Switzerland), Member of the Council

Professor Michiji Konuma (Japan), Member of the Council

Mr. Sverre Lodgaard (Norway), Member of the Council

Professor Amnon Pazy (Israel), Member of the Council

Professor Sebastian Pease (United Kingdom), Member of the Council

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